

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ISOYPHENE DAVIS, INDIVIDUALLY
AND A/N/F OF B.B., A MINOR,
Plaintiffs,

V.

PEARLAND INDEPENDENT SCHOOL
DISTRICT AND MICHELLE BOTKIN,
INDIVIDUALLY,
Defendants.

CIVIL NO.

PLAINTIFFS' ORIGINAL COMPLAINT

COMES NOW **Isoyphene Davis, Individually and on behalf of B.B., a minor.** The minor at issue is a disabled child, who along with her natural mother, **Isoyphene Davis**, file this Original Complaint against the **Pearland Independent School District (hereinafter "PISD")**, and **Michelle Botkin, Individually**, for injuries and damages caused by the Defendants' unlawful conduct and discrimination against her and her child by reason of the child's disability. Plaintiffs now seek compensatory and punitive damages from for injuries wrongfully inflicted upon them by Defendants. In support thereof, Plaintiffs will respectfully show the Court:

Parties

1. Plaintiffs, **Isoyphene Davis, Individually and on behalf of B.B., a minor**, are individuals who now reside in the City of Woodsboro, located in Refugio County, Texas.
2. Defendant, **Pearland Independent School District (“PISD”)**, is a local school district authorized under the laws of the State of Texas to administer and deliver public education services to students who reside within the school district. **PISD** may be served with process by serving the Superintendent, Larry Berger, at Pearland Independent School District, 1928

N. Main Street, Pearland, Texas 77581. **Service is requested.**

3. Defendant, **Michelle Botkin** at all times relevant, was an employee and/or agent of the **PISD** and was the Admission, Review, and Dismissal ("ARD) District representative who implements, facilitates, and supervises the special education ARD/IEP process for Pearland Independent School District. Defendant, **Botkin** may be served with process at Pearland Independent School District, 1928 N. Main Street, Pearland, Texas 77581. **Service is requested.**

Jurisdiction and Venue

4. This Court has original jurisdiction pursuant to 28 U.S.C. " 1331 and 1343(a)(3). Plaintiffs have now exhausted all administrative remedies available to them for relief under state and federal law.

5. Venue is proper in this judicial district because the state court action was filed within the Houston Division of the United States District Court for the Southern District of Texas.

6. Plaintiffs bring this action among other causes of actions, pursuant to 42 U.S.C. Sec. 1983 because of deprivations of federally protected rights by the Defendants acting under color of state law. This includes violations of the ADA, Sec. 504 and its implementing regulations, the Due Process and Equal Protection clauses of the Fifth and Fourteenth Amendment to the United States Constitution.

Facts

7. At all times relevant to this suit, **B.B.** was a student with a disability. **B.B.** was enrolled at Cockrell Elementary School as a second-grade student. Cockrell Elementary School is under the supervision and authority of Pearland Independent School District. At all times relevant to this suit, **B.B.** was a student with a disability, **B.B.** therefore is and was a "qualified handicapped person" under Section 504 of the Rehabilitation Act of 1973 ("Sec. 504"), Public Law 93-112, 29 U.S.C. Sec. 1400 et seq., 34 C.F.R. Part 104. **B.B.** was also a "qualified individual with a disability" under Section 12131 of the Americans with Disabilities Act ("ADA"), Public Law 101-336, 42 U.S.C. 12101 et seq.

8. On November 16, 2021, the minor child **BB.** suffered serious bodily injuries while at recess at Cockrell Elementary School as a result of being left unattended during a recess. **B.B.** was left unattended despite there being in place a September 30, 2021, Individualized Education Program (IEP) for the 2021-22 academic year. The IEP was adopted by, and in fact created in part by Pearland Independent School District. That same IEP, is attached hereto and incorporated in its entirety by this reference and marked as Exhibit “1” for all purposes. That same IEP makes it clear that **B.B.** is not to be left unattended during lunchtime, dismissal, and recess, (See: Page 2 of Exhibit “1”; “Functional” assessment). Despite the IEP, **B.B.** was severely injured on November 16, 2021 during recess at Cockrell Elementary School when she was left unattended and without assistance. Each and all of the foregoing intentional acts and omissions taken singularly or in combination, are a proximate cause of Plaintiffs' injuries and damages as set forth below.

9. Defendant, **Botkin** was, at all times relevant, the Admission, Review, and Dismissal (“ARD”) District representative who implements, facilitates, and supervises the special education ARD/IEP process. Defendant, **Botkin** collaborates with other professionals and parents in the ARD process and issue responsible to cooperatively with instructional personnel to develop the most appropriate programs for students with disabilities according to the federal requirements of the Individuals with Disabilities Education Act. Defendant Botkin failed to supervise **B.B.’S** IEP, and intentionally attempted to delegate her responsibilities to others regarding supervision of the ARD process, and specifically with the care required for B.B. Each and all of the foregoing intentional acts and omissions taken singularly or in combination, are a proximate cause of Plaintiffs' injuries and damages as set forth below.

CAUSES OF ACTION

Intentional Discrimination and Refusal to

Provide Services under Section 504 of the Rehabilitation Act of 1973

10. Substantive violations. Sec. 504 protects a student with a disability from discrimination by any entity that receives federal financial assistance. Under the act, a "qualified handicapped person" is one who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. Major life activities include schooling and learning. "No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance." The regulations promulgated to enforce Sec. 504 grant disabled students a right to an "appropriate education" that is designed to "meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met". (34 C.F.R. ' 104.33)

11. Despite the IEP in place, **Defendants** failed enforce and follow their own agreed to plan of care for **BB.**, including assistance during recess.

12. **Defendants'** attitude was one of skepticism, indifference, and carelessness, they treated **B.B.** as just another disabled student. Plaintiff was in fact in need of assistance as required by the ARD, and Defendants intentionally took it upon themselves to modify that care as convenient to them. Defendants' behavior was to minimize or deny the effects of the disability, and to display a patronizing attitude toward both the student and the mother.

13. Each and all of the foregoing acts and omissions taken singularly or in combination, are a proximate cause of Plaintiffs' injuries and damages as set forth below.

14. Procedural violations. The regulations to enforce Sec. 504 (34 C.F.R. Part 104 et seq.) establish procedural safeguards to protect the rights of parents and their disabled children under the Act. Defendants owed a duty to the parents to notify them of their rights under Sec. 504 [34 C.F.R. ' 104.32(b)]. In addition, the parents have a right to receive notice and a right to inquire, participate, accept, or reject any changes to that ARD, and all such modifications must be memorialized in writing and the right to inspect and examine all relevant educational records. Defendants failed to notify

Plaintiffs of any modifications of the ARD.

15. Defendants willfully, knowingly, and intentionally violated the due process protections provided to parents under Section 504, by disregarding the ARD and leaving the minor unsupervised at the time of injury. Said Defendants, by their wrongful conduct and actions, wholly violated Section 504 by failing to follow policies and procedures designed to protect **B.B.** as a disabled student in need of an appropriate care and supervision;

16. Each and all of the foregoing intentional acts and omissions taken singularly or in combination, are a proximate cause of Plaintiffs' injuries and damages as set forth below.

Violation of Americans with Disabilities Act

Paragraphs 1 through 16 are realleged and adopted by reference as if fully set forth below.

17. The Americans with Disabilities Act protects individuals with disabilities. Section 202 of The Act provides that no "qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity."

18. A "public entity" includes any state or local governmental entity including local school districts. A "qualified individual with a disability" is an individual who, with or without reasonable modifications to rules, policies or practices, meets the essential eligibility requirements to receive services or to participate in the programs or activities provided by the public entity.

19. Plaintiff **B.B.** was a qualified individual with a disability at the time of her attendance at Crockrell Elementary School.

20. By the actions and conduct of Defendants, Plaintiffs were denied the benefits of the full and intended services, programs and activities of her elementary school and her care. Said conduct creates a cause of action for violation of the ADA.

Cause of Action Under 42 U.S.C. ' 1983 for Violations of Rights

Protected by Federal Statutes and Constitution

Paragraphs 1 through 20 are realleged and adopted by reference as if fully set forth below.

21. 42 U.S.C. Sec. 1983 creates a cause of action, at law or in equity, against any person who, while acting under color of state law, deprives a citizen of the United States of any right, privilege, or immunity secured by the U.S. Constitution or federal statute. To state a claim for relief under 42 U.S.C. Sec. 1983, a plaintiff must allege (1) that the Defendant was acting under color of state law and (2) that the Defendant's conduct deprived the plaintiff of federal rights.

22. To obtain relief under Sec. 1983 against a government employee, the plaintiff must prove that the defendants', through conscious disregard or deliberate indifference, violated clearly established statutory or constitutional rights of which a reasonable person would have known. *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727 (1982).

23. The rights afforded disabled students and their parents under Sec. 504 and its implementing regulations are clearly established. Plaintiffs allege that Defendants acted in conscious disregard or deliberate indifference to **B.B.'S** welfare and educational needs as a disabled student when they failed to provide supervision and assistance during recess, that supervision and assistance attributable to or caused by her disability, and have a right to receive notice and a right to inquire, participate, accept, or reject any changes to that ARD, and all such modifications must be memorialized in writing. inspect and examine all relevant educational records. Defendants failed to notify Plaintiffs of any modifications of the ARD.

24. Therefore Defendants, while acting under color of state law, violated Plaintiff's clearly established rights as set forth above. Defendants failed to follow proper procedures prescribed by Federal law as set forth above, violated Plaintiffs' right to due process as guaranteed by the Due Process clause of the Fourteenth Amendment to the United States Constitution. Said deprivation creates a cause of action under 42 U.S.C. Sec. 1983.

Defendant PISD culpability under 42 U.S.C. ' 1983

25. In a claim for relief against a school district under 42 U.S.C. Sec. 1983, Plaintiffs must allege and prove that their injuries resulted wholly, or in part, from an official policy or custom adopted or followed by Defendant school district. ***Monell v. New York City Dept. of Social Services, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed. 2d 611 (1978).***

26. Defendant PISD has failed to adopt policies and procedures that insured that disabled students who attend Crockwell Elementary School are identified and provided a free appropriate, and injury free public education. PISD has, by custom or official policy, failed to adopt procedures that insured parents of children who attend Crockwell Elementary School received appropriate notice of their rights and the duties of the school district as required by Federal law. Plaintiffs allege that Crockwell Elementary staff were poorly and inadequately trained to identify, assess, and respond to the needs of **B.B.** as a student with her diagnosed disability. By this custom of misfeasance, inaction, neglect, and indifference to the rights of students like **B.B.** Each and all of the foregoing intentional acts and omissions taken singularly or in combination, are a proximate cause of Plaintiffs' injuries and damages as set forth below.

27. In the alternative and without prejudicing any and all claims and allegations set forth in this petition and with sections 1-25 incorporated by this reference, Defendants were negligent in their duties to protect and supervise the minor child, **B.B.** Each and all of the foregoing negligent, and/or intentional acts and omissions taken singularly or in combination, are a proximate cause of Plaintiffs' injuries and damages as set forth below.

Damages

28. As a direct and proximate cause of the Defendants unlawful conduct and discrimination, Plaintiffs have suffered considerable and significant damages including both past and future out of pocket expenses, mental anguish, pain and suffering; hospital and medical expenses; court costs and attorneys fees in prosecuting this action. Plaintiffs now seek compensatory relief jointly and/or

severally from the Defendants, and all other relief as allowed by law or in equity. Plaintiffs also seek exemplary damages against the individual Defendants because of the willful, deliberate, and intentional disregard of the child's rights as a disabled student.

Jury Demand

29. Plaintiff respectfully requests trial by jury.

Prayer

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that the Court take jurisdiction of this case, that Defendants be cited to answer and appear; and upon final hearing:

1. Grant a declaratory judgment against Defendants declaring that the Plaintiff's, **B.B.'S**, rights under Sec. 504 and the ADA were violated.
2. Grant judgment against all Defendants, jointly and/or severally, for compensatory damages;
3. Grant judgment against individual Defendants **Botkin** for punitive damages;
4. Grant judgment against Defendants for past and future medical expenses, pain, suffering and mental anguish;
5. Grant judgment against Defendants for post-judgment interest from the date of judgment until paid in full as permitted by law;
6. Grant judgment against Defendants for court costs and reasonable attorney's fees; and
7. Grant such other and further relief, general and special, at law or in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully Submitted,

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ATTORNEY FOR PLAINTIFFS

Pearland ISD

B B
Pearland, TX 77581

Meeting Date	This is an annual IEP		Explanation of Procedural Safeguards was provided	
9/30/2021	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Student ID	Student Name	Age	Date of Birth	Gender
	Breanna Bowle	7		F
Academic Year	Home Campus	Current Campus		Grade
2021-22	Cockrell Elementary	Cockrell Elementary		02
Parent 1 Name	Parent 2 Name	Was an interpreter used to conduct the meeting?		
Isoyphene C Davis		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA Language:		

Individualized Education Program (IEP) Annual Review

Parent/adult student waives the 5 school days written notice of the meeting and agrees to an earlier meeting (initial below).

Parent's Initials:

I. Review of Evaluation Data

Full and Individual Evaluation			
Current Date: 10/8/2019		Next Due Date: 10/8/2022	
Other Evaluations	Name	Current Date	Needed By
	Adapted PE	9/29/2021	9/29/2024

Information for this meeting has been provided by the following:		
<input checked="" type="checkbox"/> Parent(s)	<input checked="" type="checkbox"/> School personnel	<input type="checkbox"/> Language Proficiency Assessment Committee
<input type="checkbox"/> Student	<input checked="" type="checkbox"/> Previous school district	<input type="checkbox"/> Other agencies/professionals

II. Determination of Eligibility

Based on the evaluation data reviewed, the committee has determined that Breanna Bowle		
<input type="checkbox"/> does not meet specific Federal eligibility criteria to receive special education services.		
<input checked="" type="checkbox"/> meets specific Federal eligibility criteria (has both a disability and educational need for special education services) based on the following conditions:		
Conditions	Condition 1	Condition 4
If specific conditions were available and if they were recorded, they will be listed below.	Orthopedic Impairment	
	Condition 2	Condition 5
	Condition 3	Indicators
		<input checked="" type="checkbox"/> Medically Fragile <input type="checkbox"/> Multiple Disabilities
Specific Learning Disability Type(s)		
Not eligible for this condition		
Breanna has been identified as having Dyslexia or Related Disorders Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Other Health Impairment Type(s)		
Not eligible for this condition		
Speech Impairment Type(s)		
Not eligible for this condition		
Noncategorical Early Childhood (NCEC)		
Not eligible for this condition		

A child must not be determined to be a child with a disability if the determinant factor for such determination is: lack of appropriate instruction in reading, including in the essential components of reading instruction as defined in the Elementary and Secondary Education Act (ESEA); essential components of reading instruction means explicit and systematic instruction in: phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills, and reading comprehension strategies; lack of appropriate instruction in math; or limited English proficiency.

III. Present Level of Academic Achievement and Functional Performance**Physical**

The student's disability of Orthopedic Impairment impacts the student in the way of having to use a wheelchair. She needs the assistance of an adult for transitioning in hallways, at recess, arrival, dismissal, etc. to address her safety.

Personal Care Services	Nursing	Assistive Technology
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Behavioral

Breanna's behavioral skills are within normal limits.

Documentation has been submitted and B ☐ Is in need of a behavior intervention plan. ☐ Yes ☒ No

Discipline

Able to follow the Student Code of Conduct.

Functional

Bi is able to transport herself by using her wheel chair or with assistance. She is able to go to the restroom on her own and is able to get around the classroom as well and transition to other class periods appropriately. She receives assistance in lunch to help get her food and at dismissal as well as recess. She is able to communicate to get her basic needs met in and out of the classroom environment.

Academic

Bi is a second grader at Cockrell Elementary who qualifies for Special Education services as a student with OHI this affects her in multiple academic settings. According to Mrs. Armendariz, B works consistently, and frequently demonstrates retention and application of knowledge. Mrs. Armendariz states Br is currently reading at a BAS level of F which is below grade level with a weakness in reading fluency. Mrs. Armendariz also shared a concern with B writing mechanics and organization. Bi's grades as of now are a 95 in reading, 94 in language arts, 89 in math, science & social studies.

Based on the PLAAFP statement(s) above, the IEP Committee has determined Bi's disability significantly affects her involvement and progress in the general education curriculum. For preschool children, as appropriate, indicate how the disability affects participation in appropriate activities.

<input checked="" type="checkbox"/> English	<input checked="" type="checkbox"/> Math	<input checked="" type="checkbox"/> Science	<input checked="" type="checkbox"/> Social Studies	<input checked="" type="checkbox"/> Electives	<input checked="" type="checkbox"/> Physical Education
<input type="checkbox"/> Other:					

Student Age	Transition Planning
7	Transition services are not age appropriate at this time.
	Initial Transition Services Discussion Date, if applicable

IV. Determination of Services to Be Provided

Schedule	School Year	Service Start Date	Services Duration	Campus Assignment	ECSE Location	Program Name
Current	2021-22	10/1/2021	5/26/2022	Cockrell Elementary	N/A	N/A
Dyslexia Services Code: N/A						
PEIMS Predominant Interpreting Service Code: N/A				District of RDSPD: N/A		
Fall Schedule	Instructional Arrangement: 41			Speech Count: 0	B1	Instructional Time: 335
Spring Schedule	Instructional Arrangement: 41			Speech Count: 0	B1	Instructional Time: 335

Instructional Schedule

Subject	Semester	Service Provider	Grade Assigned By	Min. Gen	Min. SpEd	Freq. / Duration	Service Type	RDSPD	Comments
Reading/Language Arts	Both	Special Education Staff	General Education	0	30	4 / week	In-Class Support	No	

Breanna's school day is commensurate with peers at the same grade level.

☒ Yes ☐ No

Accommodations

Subject	Accommodation	Comments
English, Math, Science, Social Studies	Check for understanding	
English, Math, Science, Social Studies	Extra time for assignments/tests	
English, Math, Science, Social Studies, Electives/Specials	Manual/electric wheelchair	
English, Math, Science, Social Studies	Opportunity to respond orally	
English, Math, Science, Social Studies	Shortened assignments	
English	Supplemental aids	such as a blank graphic organizer

Related Services

Service	Semester	Service Provider	Minutes	Freq. / Duration	Service Type	Removed From	Comments
Occupational Therapy	Both	Occupational Therapist	20	3 / 9 wks	In-Class Support	Both	OT services will be provided 20 minutes, 3x per 9 weeks on weeks 1, 4, and 8 to facilitate development of fine motor, visual motor and sensory motor skills in the classroom setting. In-class support services may also include consultation, equipment modifications and program planning in order to allow student to make progress with targeted IEP goals and participation in classroom FM activities. Exceptions to this may include: student absences, student holidays, staff development days, field trips, assemblies, state/district testing as well as inclement weather. In addition, no OT services will take place on the first week of school to allow for the establishment of class procedures/routines and the last week of school to allow for participation in end of school assessment and campus wide activities. OT may take place in a variety of settings across the educational setting.
Transportation	Both	Bus Driver	0	2 / day	Out of School		Parent is electing not to utilize transportation services at this time, but B1 remains eligible. She would require the use of transportation through Special Education to accommodate her wheelchair.
Adapted P.E.	Both	Adapted P.E. Teacher	30	2 / week	Direct		refer to deliberations for more information

Supplementary Aids and Services

Type	Aid/Service to be provided
Additional Aids/Supports	Special Education Staff Support - Support for transitions (ex: arrival, dismissal, recess, lunch, specials)

This is the campus which B1 would attend if not in special education.

☒ Yes ☐ No

This is the campus that is as close as possible to Breanna's home which provides services the IEP committee has deemed necessary.

☒ Yes B1 home campus is: Cockrell Elementary

☐ No If no was selected above, provide reason:

IV. Determination of Services to Be Provided

Schedule	School Year	Service Start Date	Services Duration	Campus Assignment	ECSE Location	Program Name
Next	2022-23	8/15/2022	9/29/2022	Cockrell Elementary	N/A	N/A
Dyslexia Services Code: N/A						
PEIMS Predominant Interpreting Service Code: N/A				District of RDSPD: N/A		
Fall Schedule	Instructional Arrangement: 41			Speech Count: 0	B	Instructional Time: 335
Spring Schedule	Instructional Arrangement: 41			Speech Count: 0	B	Instructional Time: 335

Instructional Schedule

Subject	Semester	Service Provider	Grade Assigned By	Min. Gen	Min. SpEd	Freq. / Duration	Service Type	RDSPD	Comments
Reading/Language Arts	Both	Special Education Staff	General Education	0	30	4 / week	In-Class Support	No	

Breanna's school day is commensurate with peers at the same grade level.

☒ Yes ☐ No

Accommodations

Subject	Accommodation	Comments
English, Math, Science, Social Studies	Check for understanding	
English, Math, Science, Social Studies	Extra time for assignments/tests	
English, Math, Science, Social Studies, Electives/Specials	Manual/electric wheelchair	
English, Math, Science, Social Studies	Opportunity to respond orally	
English, Math, Science, Social Studies	Shortened assignments	
English	Supplemental aids	such as a blank graphic organizer

Related Services

Service	Semester	Service Provider	Minutes	Freq. / Duration	Service Type	Removed From	Comments
Occupational Therapy	Both	Occupational Therapist	20	3 / 9 wks	In-Class Support	Both	OT services will be provided 20 minutes, 3x per 9 weeks on weeks 1, 4, and 8 to facilitate development of fine motor, visual motor and sensory motor skills in the classroom setting. In-class support services may also include consultation, equipment modifications and program planning in order to allow student to make progress with targeted IEP goals and participation in classroom FM activities. Exceptions to this may include: student absences, student holidays, staff development days, field trips, assemblies, state/district testing as well as inclement weather. In addition, no OT services will take place on the first week of school to allow for the establishment of class procedures/routines and the last week of school to allow for participation in end of school assessment and campus wide activities. OT may take place in a variety of settings across the educational setting.
Transportation	Both	Bus Driver	0	2 / day	Out of School		Parent is electing not to utilize transportation services at this time, but Bi remains eligible. She would require the use of transportation through Special Education to accommodate her wheelchair.
Adapted P.E.	Both	Adapted P.E. Teacher	30	2 / week	Direct		refer to deliberations for more information

Supplementary Aids and Services

Type	Aid/Service to be provided
Additional Aids/Supports	Special Education Staff Support - Support for transitions (ex: arrival, dismissal, recess, lunch, specials)

This is the campus which Breanna would attend if not in special education.

☒ Yes ☐ No

This is the campus that is as close as possible to Breanna's home which provides services the IEP committee has deemed necessary.

☒ Yes Bi home campus is: Cockrell Elementary
☐ No If no was selected above, provide reason:

IV-B. State Assessments (Current)

Date: 9/30/2021

Student ID:

Student Name: B B.

State/District Assessment Decisions**State assessments for the school year will be addressed during this IEP meeting.**☐ Yes ☒ No**Required Tests****The parent has been informed that an accelerated plan of instruction is required if Breanna does not pass one or more assessments.**☐ Yes ☐ No ☒ Not Applicable**Committee Members understand all of the assessment options, including the characteristics of each assessment and the potential implications of each assessment choice.**☒ Yes ☐ No

Breanna was not enrolled in a grade level assessed by the State of Texas Assessments of Academic Readiness (STAAR).

ERA: Will take

TELPAS: B. has not been identified as an English Learner and this test is only required for EL Students.

District Assessments☐ NA ☒ Will take all☐ Will not take the following

If an accommodation requires the submission and approval of an Accommodation Request Form (ARF), the accommodation can only be implemented on a state assessment after receiving approval from the Texas Education Agency (TEA). If an ARF is submitted to the Agency, and TEA turns down the accommodation, there is no requirement to hold another meeting.

IV-B. State Assessments (Next)

Date: 9/30/2021

Student ID:

Student Name: B. B.

State/District Assessment Decisions

State assessments for the school year will be addressed during this IEP meeting.

☒ Yes ☐ No**Required Tests**

The parent has been informed that an accelerated plan of instruction is required if Breanna does not pass one or more assessments.

☐ Yes ☐ No ☒ Not Applicable

Committee Members understand all of the assessment options, including the characteristics of each assessment and the potential implications of each assessment choice.

☒ Yes ☐ No

Based on B. B. next grade: 03, the following state assessments are required.

Reading

Type	STAAR	Language	English
Accommodations	(DS) Extra time - until the end of the school day		
Comments	All Accommodations are pending TEA approval		

Math

Type	STAAR	Language	English
Accommodations	(DS) Extra time - until the end of the school day		
Comments	All Accommodations are pending TEA approval		

ERA: Breanna is in grade: 03 and this test is only required for Grades 'KG', '01' and '02'

Breanna was not enrolled in a grade level that requires the administration of the Early Reading Assessment.

TELPAS: B. B. has not been identified as an English Learner and this test is only required for EL Students.

District Assessments☐ NA ☒ Will take all☐ Will not take the following

If an accommodation requires the submission and approval of an Accommodation Request Form (ARF), the accommodation can only be implemented on a state assessment after receiving approval from the Texas Education Agency (TEA). If an ARF is submitted to the Agency, and TEA turns down the accommodation, there is no requirement to hold another meeting.

V. Consideration of Least Restrictive Environment

Service and site consideration alternatives provided, tried, or considered (p, t, c), including supplementary aids and services in general and compensatory education, for which Breanna is eligible and additional services needed are identified below. Consideration of the vocational training needs for students at or before entry into high school was discussed.

General Education (GE) Only	Considered	Speech Therapy	Not Applicable
GE w/Accommodations	Provided	Resource Room	Considered
GE w/Support Services	Provided	Self-Contained Classroom	Not Applicable
Tutorials	Not Applicable	Adaptive Equipment/AT	Provided
Multi-Tiered Interventions	Not Applicable	Counseling	Not Applicable
General Vocational Education	Not Applicable	Related Services	Provided
Bilingual Classes/ESL	Not Applicable	VAC Class	Not Applicable
Preschool/Pre-K	Not Applicable	On-The-Job Training	Not Applicable
School Health Services	Not Applicable	Homebound	Not Applicable
District AEP	Not Applicable	Hospital Class	Not Applicable
Accelerated Plan of Instruction	Not Applicable	RDSPD	Not Applicable
Dyslexia Services	Not Applicable	Home Campus	Provided
Compensatory Services	Not Applicable	Section 504 Services	Not Applicable

Results	If efforts are not successful, provide reason(s)
This is B first ARD meeting in Pearland ISD. Results will be evaluated at the next annual ARD meeting.	
Evidence that removal of students with disabilities from the general educational environment/campus occurs only when the nature and severity of the disability is such that education in general education classes/campus with the use of supplementary aids and services cannot be achieved satisfactorily is based on the following	
Cannot achieve the goals and objectives contained in the IEP even though supplementary aids and services are used.	

In selecting the least restrictive environment, consideration was given to any potential benefits or harmful effects on the student, the quality of services needed, and the effect this child's presence has on the education others are receiving.

Benefits		Harmful Effects	
Decreased student frustration/stress Direct instruction on IEP goals and objectives		No harmful effects anticipated	
Opportunities for Breanna to participate in all nonacademic and extracurricular activities available to students without disabilities to the maximum extent appropriate for the individual student.			
<input checked="" type="checkbox"/> Recess	<input checked="" type="checkbox"/> Health Services	<input type="checkbox"/> Athletics	<input type="checkbox"/> Choral Groups
<input checked="" type="checkbox"/> Lunch	<input type="checkbox"/> Transportation	<input type="checkbox"/> Band	<input type="checkbox"/> Recreational Services
<input checked="" type="checkbox"/> Assemblies	<input checked="" type="checkbox"/> Counseling	<input type="checkbox"/> Clubs	<input type="checkbox"/> Other Activities
If other:			

If any of the above items are not checked, document the IEP Committee's decision to exclude Breanna from the opportunity to participate.

Unchecked items not typically offered at the elementary level.
Needs wheelchair-accessible transportation.

Breanna is being educated with non-disabled students to the maximum extent appropriate to meet her needs and is unable to benefit from education with non-disabled students to any greater extent.

☒ Yes ☐ No

VI. Extended School Year Services (ESY)

Documentation has been submitted and B is in need of ESY.	ESY Program Name:	ESY Transportation
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

VII. Graduation

Breanna is expected graduate in 2032	IEP Continuer: Breanna has met credit requirements for graduation and continues to have a need for services through the IEP.
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
PEIMS Graduation Code	
Endorsement	
Not Applicable;	
The IEP document will serve as Breanna's Personal Graduation Plan (PGP).	See attached graduation supplement.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

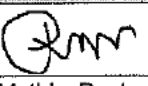
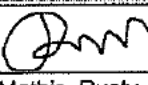
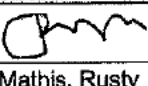
VIII. Assurances

The committee assures the following: that special education placement is as close as possible to B home; that for national origin minority group students or linguistically different students, placement is not based on criteria which were developed solely on command of the English language; and that placement is based on peer-reviewed research to the extent practicable.

Basis for Assurance	
<input type="checkbox"/> adaptations in testing procedures	<input checked="" type="checkbox"/> review of parent/student information
<input type="checkbox"/> use of interpreter	<input type="checkbox"/> review of language assessment

The committee assures that special education placement is not based on deficiencies identified as directly attributable to a different culture, lifestyle, or lack of educational opportunities.

Basis for Assurance	
<input checked="" type="checkbox"/> review of parent/student information	<input type="checkbox"/> review of sociological assessment

Initial  Mathis, Rusty	The IEP committee assures that Breanna is being educated with students her age who do not have disabilities to the maximum extent appropriate to her overall educational needs (including academic and developmental areas such as language and socialization).
Initial  Mathis, Rusty	The committee assures that all instruction and related services specified in the IEP will be provided to B at no cost. Fees normally charged to students without disabilities or their parents as part of the general education program may be charged (i.e., art or laboratory fees).
Initial  Mathis, Rusty	The district assures that each teacher who provides instruction to a student with disabilities will receive relevant sections of B current IEP and that each teacher will be informed of specific responsibilities related to implementing the IEP, such as goals and benchmarks, and of needed accommodations, modifications, and/or supports for B.

The district does not discriminate on the basis of gender, disability, race, color, age or national origin in its education programs, activities, or employment as required by Title IX, Section 504 and Title VI.

IX. Committee Membership

Date: 9/30/2021

These signatures indicate the participation of the individual members of the IEP committee. A copy of this form will be given to B parents and any team member or staff person who is directly involved in B Individual Education Program.

Signature	Team Member	Position/Agreement	Participation Mode
	Isoyphene C Davis	Parent/Adult Student* Agrees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Video Conference
		Parent 2* Agrees <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>G Mathis</i>	Mathis, Rusty	LEA Representative Agrees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<i>Pruitt</i>	Armendariz, Pamela	General Education	Full Attendance*
<i>A Esqueda</i>	Esqueda Jr, Alfredo	Special Education	Full Attendance*
<i>E Lampson</i>	Lampson, Emma	Assessment	Partial Attendance*
	Rahim, Anita	Occupational Therapist	Not In Attendance*
<i>Michelle Botkin</i>	Botkin, Michelle	ARD Facilitator	Full Attendance*
<i>S Mejia</i>	Mejia, Suzanne	School Nurse	Full Attendance*
<i>Holly Kanipes</i>	Kanipes, Holly	Adapted P.E. Teacher	Full Attendance*

* Optional Participation

B participated in the following sections of this IEP meeting:		
<input type="checkbox"/> review of evaluation data	<input type="checkbox"/> graduation	<input checked="" type="checkbox"/> NA due to age of student
<input type="checkbox"/> determination of eligibility	<input type="checkbox"/> least restrictive environment	<input type="checkbox"/> NA due to level of functioning
<input type="checkbox"/> PLAAFP	<input type="checkbox"/> extended school year	<input type="checkbox"/> review/development of annual goals
<input type="checkbox"/> schedule of services	<input type="checkbox"/> transition	

Student Signature (if applicable)

Parent/Adult student has been provided Prior Written Notice and agrees to waive the 5 school day waiting period so that the services agreed upon in the IEP may be implemented.

☒ Yes ☐ No

If the prior written notice requirement has not been waived, the previous IEP will remain in effect for at least 5 school days.

Mutual Agreement of IEP Committee Members☒ The parties mutually agree.☐ The members of this IEP committee have not reached mutual agreement.

☐ The members of this IEP committee have not reached mutual agreement. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. During the recess the members shall consider alternatives, gather additional data, and/or obtain additional resource persons to enable them to reach mutual agreement. This recess does not apply if Breanna presents a danger of physical harm to himself or herself or others, or if Breanna has committed an expellable offense, or an offense which may lead to a placement in an alternative education program (AEP). The committee will reconvene as stated below.

Date	Time	Location

If mutual agreement is not reached, a written statement of the basis of the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements. 19 TAC 89.1050(g)(4)

Parent 1 Initials	Parent 2 Initials	
		A copy of the procedural safeguards was provided to me at this meeting.

Procedural Safeguards Statement

Your rights were explained to you when your child was initially referred for special education assessment. Federal regulations require that parents and adult students be provided a full explanation of all procedural safeguards in your native language or other mode of communication at least once a year. Please contact Dr. Lisa Nixon, at (281) 485- 3203 if you have any questions or need names of other individuals to assist you in understanding this document. Sus derechos fueron explicados a usted cuando su niño(a) fue inicialmente referido a la evaluación de la educación especial. Las Regulaciones Federales requieren que los padres y los estudiantes adultos sean proveídos con una explicación completa de todos los procedimientos de salvaguardia, en su lenguaje natal o en otro modo de comunicación por los menos una vez por año. Si usted tiene cualquier pregunta o necesita nombres de personas quienes le pueden ayudar entender este documento o sus procedimientos de salvaguardia, por favor de llamar a la Dra. Lisa Nixon, en (281) 485- 3203.

X. Deliberations

Date: 9/30/2021

The meeting was called to order. Introductions were made:

Members present:

Administrator: Ms. Mathis

Parent: Ms. Davis

Special Education Teacher: Mr. Esqueda

General Education Teacher: Ms. Armendariz

Related Service Provider: Ms. Kanipes (Adapted PE)

Assessment: Ms. Lampson, Diagnostician

School Nurse: Ms. Mejia

ARD Facilitator: Ms. Botkin

Parent was provided a copy of the Procedural Safeguards with the original ARD notice. This meeting was held virtually using the Zoom platform.

Purpose of the ARD: This is a 30-Day Annual ARD to review B1 educational placement and progress. The committee will review B1 present levels of performance, which include strengths and weaknesses, concerns of team members, proposed goals, placement options, and services needed to access the educational program.

I. Review of Evaluation Data deliberations.

B1 FIE is current. No additional testing is recommended/requested at this time after completion of the Adapted PE evaluation.
B1 three-year reevaluation is due by 10/8/2022.

An Adapted PE evaluation was requested in Breanna's previous school district but not completed. The Adapted PE evaluation was then completed by Pearland ISD. Ms. Kanipes (APE Teacher) reviewed the evaluation with Ms. Davis prior to the meeting and summarized the results for the ARD Committee. Ms. Davis did not have additional questions.

II. Determination of Eligibility.

Based on the results of B1 current FIE, she meets the eligibility criteria as a student with the educational disability condition of Orthopedic Impairment due to Osteogenesis Imperfecta. The ARD/IEP committee has determined that there is an educational need for special education services.

III. Present Levels of Academic Achievement and Functional Performance deliberations.

B1 strengths and weaknesses were reviewed.

Mr. Esqueda reviewed B1 present levels and progress. She is able to move around the classroom and communicate her needs. She works well in class and completes assignments. She is currently reading on a BAS level F, which is below grade-level. In writing, teachers shared some concerns with writing mechanics. Ms. Armendariz agreed with Mr. Esqueda on academic levels, and she added that B1 always works hard and does her best. She is doing very well.

Ms. Rahim (Occupational Therapist) was not in attendance, but she shared information via email that she spoke with Ms. Davis prior to the meeting about proposed service times and the writing goal she would support in the classroom.

Ms. Kanipes (Adapted PE) also spoke with Ms. Davis prior to the meeting, and she proposed her Adapted PE goal for the ARD Committee. The ARD Committee was in agreement and the goal was accepted.

New IEPs were discussed and accepted by the ARD Committee. The occupational therapist will support B writing goal.

Ms. Davis shared that B will be having surgery on her legs soon. Both legs will need surgery, but the doctors will operate on one leg at a time with approximately 3-4 weeks in between operations. Ms. Davis does not have further information on scheduled dates or recovery time yet, but Ms. Botkin asked that she let the campus staff know once we have those updates. If changes need to be made to B services, or if Homebound services need to be initiated, the ARD Committee can reconvene to address B needs. Ms. Davis shared that she will keep the campus informed once she has more information.

IV. Determination of Services to Be Provided deliberations.

Schedule of services, modifications, and accommodations were reviewed, discussed, and accepted.

Breanna will continue to receive academic instruction for Reading/Language Arts, Math, Science, and Social Studies in the General Education setting with the support of special education staff and classroom accommodations. She will receive in-class support during Reading/Language Arts (30 minutes/day). Special Education services may be affected on days with altered schedules (i.e. campus/district/state testing, assemblies, field trips, etc.). B will receive accommodations as evidenced by need and based on eligibility criteria, teacher input, and most recent FIE information.

B additional support in the classroom was discussed. B is able to participate in classroom instruction without assistance, including moving around the room in her wheelchair when needed. She is able to push herself in her chair. Assistance is needed in the cafeteria (to carry tray/food), during recess and specials, transitions between the classroom and other locations in the school, hallways, and arrival/dismissal. Total daily time needed for these activities were discussed. In addition to in-class support to address academic need, the ARD Committee determined that B will also receive support from Special Education Staff (90 minutes/day) to assist with safety concerns and transitions to and from the classroom during the school day (ex: morning arrival, specials, recess, lunch, afternoon dismissal, etc.) and personal care, as needed. This is documented as a Supplementary Aid/Service on Breanna's schedule of service page.

Related services: B receives Transportation (not currently using – parent provides transportation), Occupational Therapy, and Adapted PE services.

Adapted Physical Education services will be 480 minutes per week. 30 minutes 2 times a week for the first 8 weeks, the remaining week will be used for generalization of skills and consult with the Physical Education teacher. APE services may not be provided on days with altered schedule. (first/last week of school, campus/district/state testing days, assemblies and or field trips..etc.)

IV-B State Assessment (STAAR) deliberations.

B is not enrolled in a grade level assessed by the State of Texas Assessments of Academic Readiness (STAAR) for the current school year.

State Assessment options for the administration of STAAR for the 2022-2023 school year were discussed and agreed upon by the committee. All accommodations that are provided are pending TEA approval for use on the STAAR testing program. For the 2022-23 school year, B will take the Reading and Math STAAR with agreed upon accommodations, provided all are approved for use by TEA on the STAAR testing program.

V. Least Restrictive Environment

B is being educated in the least restrictive environment where she can achieve goals and objectives. B academic instruction is provided in the General Education setting with her non-disabled peers. B has the opportunity to participate in all age/grade level non-academic and extra-curricular activities offered on her current campus.

VI. Extended School Year Services (ESY)

Extended school year services are not recommended for B at this time. Should regression be noted after breaks with an extended time for recoupment of skills, an ARD will be held to discuss ESY services.

VII. Graduation

It is anticipated that B will graduate from high school in May 2032.

Additional Deliberations:

The Personal Care Supplement was reviewed by Ms. Botkin.

The Medically Fragile Supplement was also presented and discussed to determine if B meets the designated criteria for a student that is Medically Fragile. Statements were reviewed as an ARD Committee, and it was determined that Breanna does meet the criteria to be considered Medically Fragile. The ARD Committee was in agreement.

Ms. Davis participated via cell phone on the virtual meeting. She was unable to sign in the ARD document but verbally agreed to the decisions made today and granted permission to indicate agreement on the Committee Membership page.

Prior to concluding the ARD meeting, Ms. Botkin asked all members of the ARD committee if they had any further questions or concerns. The committee members were in agreement, assurances were read, signatures secured, and the meeting was adjourned.

The 5 school day waiting period for services agreed upon in the IEP to be implemented was waived. This IEP will begin on 10/1/2021. A copy of the ARD paperwork will be emailed to Ms. Davis.

Signature

	ARD Facilitator
Team Member Name: Botkin, Michelle	Position

Pearland ISD				
Student ID	Student Name	Age	Date of Birth	Gender
	Breanna C Bowie	7		F
Medicaid ID	Home Campus	Current Campus	Grade	
624697772	Cockrell Elementary	Cockrell Elementary	02	

Annual Goals

This report reflects goals in effect during the following date range:

Start Date: 10/1/2021 End Date: 9/29/2022

Subject/Focus: English **Status:** ☐ Proposed ☒ Approved

Texas Essential Knowledge and Skills Standard:

The student will read grade-level text with fluency and comprehension. [02.04] [V 01-08]

This standard is appropriate for the following grades: 02, 03

Goal: Reading

Goal Start Date: 10/1/2021

Type: ☒ Academic ☐ Functional ☐ Related Services ☐ ESY ☐ Transition

By the next annual ARD meeting, using reminders to stay on task and positive reinforcers, Bi will read on-level text with fluency and comprehension. [02.04] [V 01-08] Success will be measured using daily work/tests/observations at a rate of 70% Accuracy & comprehension.

Objective/Benchmark:

B will read on-level text with fluency and comprehension. [02.04] [V 01-08] Success will be measured using daily work/tests/observations at a rate of 40% Accuracy & comprehension.

Objective/Benchmark:

B will read on-level text with fluency and comprehension. [02.04] [V 01-08] Success will be measured using daily work/tests/observations at a rate of 60% Accuracy & comprehension.

Responsible for Implementing Goal:
Gen Ed/SpEd Teacher

Frequency of Progress Reporting:
Quarterly

Texas Essential Knowledge and Skills Standard:

The student will write legibly and use appropriate capitalization and punctuation conventions in compositions. [02.22]

This standard is appropriate for the following grades: 02, 03

Goal: Writing

Goal Start Date: 10/1/2021

Type: ☒ Academic ☐ Functional ☒ Related Services ☐ ESY ☐ Transition

By the next annual ARD meeting, using no more than 3 verbal prompts, Bi will write 5 complete sentences on a given topic and use appropriate capitalization and punctuation conventions. Success will be measured using daily work/tests/observations and writing samples at a rate of 70% in 4 of 5 trials.

Objective/Benchmark:

1. By the end of the 2nd grading period of the 2021-2022 school year, using no more than 3 verbal prompts, Bi will write 5 complete sentences on a given topic and use appropriate capitalization and punctuation conventions. Success will be measured using daily work/tests/observations and writing samples at a rate of 70% in 4 of 5 trials.

Objective/Benchmark:

2. By the end of the 3rd grading period of the 2021-2022 school year, using no more than 3 verbal prompts, B will write 4 complete sentences on a given topic and use appropriate capitalization and punctuation conventions. Success will be measured using daily work/tests/observations and writing samples at a rate of 70% in 4 of 5 trials.

Responsible for Implementing Goal:
Gen Ed/SpEd Teachers/Occupational Therapist

Frequency of Progress Reporting:
Quarterly

Subject/Focus: Physical Education	Status: <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved
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Texas Essential Knowledge and Skills Standard:

The student will exhibit a health enhancing, physically-active lifestyle that improves health and provides opportunities for enjoyment and challenge. [02.3]

This standard is appropriate for the following grades: KG, 01, 02

Goal: Physical Education Goal 1

Goal Start Date: 10/1/2021

Type: ☒ Academic ☐ Functional ☒ Related Services ☐ ESY ☐ Transition

In 36 instructional weeks, Breanna will demonstrate self tossing and catching a lightweight ball tossed at head level or higher in 3 out of 5 attempts.

Objective/Benchmark:

1. B will demonstrate self tossing and catching a lightweight ball tossed at head level in 1 out of 5 attempts.

Objective/Benchmark:

2. B will demonstrate self tossing and catching a lightweight ball tossed at head level 2 out of 5 attempts.

Objective/Benchmark:

3. B will demonstrate self tossing and catching a lightweight ball tossed at head level or higher in 2 out of 5 attempts.

Responsible for Implementing Goal:
Adapted P.E. Teacher

Frequency of Progress Reporting:
Quarterly

Pearland ISD

B B
2211 Willow Blvd, Pearland, TX 77581

Student ID	Student Name	Age	Date of Birth	Gender
	Bi Bc	7		F
Academic Year	Home Campus	Current Campus	Grade	
2021-22	Cockrell Elementary	Cockrell Elementary	02	

Notice of Decision Prior Written Notice

Date of Notice	Explanation of Procedural Safeguards was provided
9/30/2021	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Decision
<p>1. Accept FIE results from Goliad Special Education Cooperative, which indicate that Bi meets the criteria as a student with the educational disability condition of Orthopedic Impairment due to Osteogenesis Imperfecta. She has the need for specialized instruction through Special Education. The ARD Committee was in agreement.</p> <p>2. Accept FIE/evaluation for Adapted PE from Pearland ISD (completed 9/29/2021), which indicate that Bi qualifies for Adapted PE services.</p> <p>3. IEP goals were accepted by the ARD Committee.</p> <p>4. B will receive the schedule of services and accommodations listed in Section IV. B will receive in-class support for Reading/Language Arts. Her instruction will be in the general education setting with needed accommodations. She will also receive Occupational Therapy, Adapted PE, and Transportation as related services. Breanna will have Special Education Staff support for transitions on campus (ex: arrival, dismissal, hallway, lunch, recess, etc.) as a supplementary aid/service.</p> <p>5. Instructional accommodations were proposed and agreed upon.</p> <p>6. State assessments were discussed. Bi will not take STAAR this year due to her grade level. She will take all district benchmarks and assessments. STAAR for Reading and Math were projected for next school year. The ARD Committee was in agreement.</p> <p>7. Bi is considered a Medically Fragile Student.</p>

Why decision was made
<p>1. Data from the FIE, physician's documentation from previous district, and teacher input supports the need for special education services.</p> <p>2. Data from the FIE in the area of Adapted PE supports the need for special education services/goals in Adapted PE.</p> <p>3. The District developed the PLAAFP and IEPs based on FIE results, classroom data, and teacher input.</p> <p>4. B requires academic instruction in the general education setting, with in-class support in reading/language arts for 30 minutes, 4 days per week. She qualifies for related services (OT, APE, and Transportation), and requires the assistance of Special Education support staff for approximately 90 minutes/day (in addition to academic support in ELA) for her safety during the school day.</p> <p>5. Instructional accommodations were included based on recommendations of the FIE, teacher input, and parent input.</p> <p>6. B is not enrolled in a testing year. Not age appropriate.</p> <p>7. Bi's medical condition of Osteogenesis Imperfecta and her medical history met each of the criteria on the Supplement: Medically Fragile Student.</p>

Options considered
<p>1. N/A</p> <p>2. N/A</p> <p>3. The District considered different goals based on FIE results and teacher input.</p> <p>4. The District considered different services for B, including resource or varied amounts of in-class support.</p> <p>5. The District considered including other instructional accommodations for B during ARD Committee discussion.</p> <p>6. B is not enrolled in a grade level assessed by STAAR this school year. The District considered different accommodations in projecting for state testing next year.</p> <p>7. The District considered each criterion for designation of Medically Fragile, with input from parent.</p>

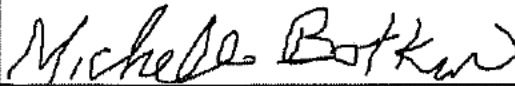
Why rejected
<p>1. Not rejected. The FIE results were accepted by the ARD Committee.</p> <p>2. Not rejected. The FIE results from the Adapted PE evaluation completed in Pearland ISD were accepted by the ARD Committee.</p> <p>3. Not rejected. The PLAAFP and IEP goals were accepted by the ARD Committee.</p> <p>4. Not rejected. B will receive the schedule of services listed in Section IV of the IEP.</p> <p>5. Not rejected. Based on the results and recommendations of the FIE and teacher input, B was in need of instructional accommodations to be successful in the school setting.</p> <p>6. Not rejected. B is not in a testing year. Projection for 3rd grade STAAR was made.</p> <p>7. Not rejected. The ARD Committee was in agreement that B is a Medically Fragile student.</p>

Evaluation procedures, tests, records, or reports used as a basis for the decision
Full and Individual Evaluations

Previous School District Records
 Teacher Input
 Parent Input
 Input from Related Service Providers
 Classroom Observations

Other factors relevant to the decision

None.

	9/30/2021
Signature of District Representative: Botkin, Michelle	Signature Date

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Parent or Adult Student agrees to waive the 5 school day written notice requirement prior to implementing these decisions.
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Signature of Parent/Guardian/Adult Student: Isoyphene C Davis	Pearland, TX	Signature Date
77581		

Procedural Safeguards Statement

Your rights were explained to you when your child was initially referred for special education assessment. Federal regulations require that parents and adult students be provided a full explanation of all procedural safeguards in your native language or other mode of communication at least once a year. Please contact Dr. Lisa Nixon, at (281) 485- 3203 if you have any questions or need names of other individuals to assist you in understanding this document. [Sus derechos fueron explicados a usted cuando su niño(a) fue inicialmente referido a la evaluación de la educación especial. Las Regulaciones Federales requieren que los padres y los estudiantes adultos sean proveídos con una explicación completa de todos los procedimientos de salvaguardia, en su lenguaje natal o en otro modo de comunicación por los menos una vez por año. Si usted tiene cualquier pregunta o necesita nombres de personas quienes le pueden ayudar entender este documento o sus procedimientos de salvaguardia, por favor de llamar a la Dra. Lisa Nixon, en (281) 485- 3203.

Pearland ISD

B1 B1
Pearland, TX 77581

IEP Meeting Date: 9/30/2021

**Supplement:
Medically Fragile****The IEP committee has determined that the student meets each of the following criteria as a student who is medically fragile**

- ☒ Ranges in age from birth through age 21
- ☒ Has a serious, ongoing illness or a chronic condition that has lasted or is anticipated to last at least 12 or more months or has required at least one month of hospitalization, and which requires daily, ongoing medical treatments and monitoring by appropriately trained personnel which may include parents or other family members
- ☒ Requires the routine use of a medical device or the use of assistive technology to compensate for the loss of usefulness of a body function needed to participate in activities of daily living
- ☒ Lives with ongoing threat to his or her continued well-being.

Pearland ISD

B1 B2
Pearland, TX 77581

IEP Meeting Date: 9/30/2021

Supplement: Personal Care Services

Personal Care Service assistance is required for B1 B2 throughout the day because the student exhibits one or more of the following eligibilities:

Summarize the medical necessity for personal care services

Physical limitation related to the student's disability that affects activities of daily living.
Student needs physical assistance in performing personal tasks.
Student needs to be supervised and re-directed to facilitate their safety and the safety of others.

Personal Care Services are required by the student to complete the following:

Activities of Daily Living (ADLs)

Escorting
Transferring

Instrumental Activities of Daily Living (IADLs)

Escorting
Orientation and Mobility
Transferring

Other Instrumental Activities of Daily Living:

Personal Care Services are required by the student and occur in the form of

Escorting
Monitoring
Physical assistance
Supervision

- ☒ Personal Care Services are provided throughout the school day in a group setting.
☒ Personal Care Services are provided throughout the school day on an individual basis.
☐ The IEP contains goals and objectives that address the attainment of functional life skills.
☒ B1 B2 needs assistance transitioning throughout the school day.
☒ B1 B2 needs assistance transitioning upon bus arrival/departure and bus escort.

Failure to provide personal care assistance may result with difficulties in any of the following areas

- | | |
|---|---|
| <input type="checkbox"/> Attending to tasks
<input type="checkbox"/> Communicating
<input type="checkbox"/> Eating
<input type="checkbox"/> Hearing
<input type="checkbox"/> Impulsivity
<input type="checkbox"/> Independently accessing school/community environments
<input checked="" type="checkbox"/> Maneuvering throughout the school/community environments
<input type="checkbox"/> Understanding
<input type="checkbox"/> Withdrawal | <input type="checkbox"/> Behavior
<input type="checkbox"/> Dressing
<input type="checkbox"/> Elopement
<input type="checkbox"/> Immobility
<input type="checkbox"/> Failure to access curriculum/complete ADLs or IADLs
<input checked="" type="checkbox"/> Maintaining safety for student or others
<input type="checkbox"/> Toileting
<input type="checkbox"/> Unusual repetitive habits |
|---|---|

Other Areas